

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 1 and 13 have been amended to make explicit the fact that the frozen aerated product in element c is the product which is allowed to expand in element b.

The present invention is directed to a process for preparing frozen aerated products. The invention is particularly adapted to preparing shaped products such as ice cream balls. In the process of the invention, two separate forming elements are provided, each of which having at least one open cavity on its surface. Filling devices for filling the cavities with frozen aerated material are also provided. The process comprises filling two open cavities, one on each forming element, with a frozen aerated product having an overrun of between 30% and 130%, then allowing each product to expand outside its open cavity, then moving the two open cavities opposite one another so that the expanded aerated frozen product in each cavity is pressed against the expanded frozen aerated product in the other cavity.

It is submitted that the Office has not established a prima facie case that the recited invention is obvious. Japanese Application No. 60230711 does not appear to suggest expansion of its sherbert outside the cavities. The apparatus between the wheels does not appear to accommodate expansion nor would it suggest such to one of ordinary skill.

In the OLS reference, the Office points to Figure 3 as teaching "filling the mould cavities after they are moved opposite one another and allowing the product to expand."

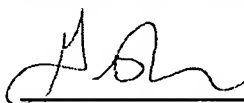
However, the Office points to no teaching in Figure 3 of expansion of the product outside of its cavity prior to closing of the mould.

The Office argues that OLS teaches that "product can be injected into the mould cavities, thus suggesting that the molds can be filled prior to the moulds moving toward one another (Specification, page 5)." At the bottom of page 5 of the translation, OLS discusses the "entirely different application of the automatic moulding machine" which lies in the shaping of expanded products. That paragraph continues "[h]ere, after expansion but still in the plastic state, the strand extruded from the nozzle is taken up by the advancing mould halves and pressed into a shape conforming to the mould." So therefore, in the discussion of expanded products on page 5, OLS appears to be talking about taking up the extrusion from the nozzle by the advancing mould halves after expansion. This does not appear to suggest expansion while in the mould halves prior to closing of the mould.

On the third page of the 1-7-08 Office Action, the Office refers to Figures 3 and 4 as showing the filling expanding inside and outside of the cavity. It would be appreciated if the Office could point out where in Figures 3 and 4 this is shown.

In view of the foregoing, it is respectfully requested that the obviousness rejection be withdrawn and the application, as amended, be allowed.

Respectfully submitted,



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